

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FREEDOM WATCH, INC.,
2020 Pennsylvania Ave. N.W.
Suite 345
Washington, D.C.. 20006

Plaintiff,

v.

U.S. DEPARTMENT OF DEFENSE,
Defense Intelligence Agency
1400 Defense Pentagon
Washington, D.C. 20301

Defendant.

COMPLAINT

Plaintiff Freedom Watch, Inc. (“Plaintiff”) brings this action against Defendant U.S. Department of Defense and its Defense Intelligence Agency (“collectively Defendant DoD”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). As grounds therefore, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Freedom Watch, Inc. is a 501(c)(3), non-profit, public interest foundation organized under the laws of the District of Columbia and having its principal place of business at 2020 Pennsylvania Ave., N.W., Suite 345, Washington, D.C. 20006. Among its public interest activities and missions, Plaintiff seeks to promote openness with the federal government and its

actions. Plaintiff regularly requests records under FOIA to shed light on the operations of the federal government and to educate the public about these operations. Plaintiff then analyzes the agency records and disseminates the results of its analysis to the public.

4. Defendant DoD is an agency of the U.S. government. Defendant has possession, custody, and control of records to which Plaintiff seeks access. DoD is headquartered at 1400 Defense Pentagon, Washington, D.C. 20301.

STATEMENT OF FACTS

5. On December 22, 2011, Plaintiff sent a FOIA request to Defendant DoD seeking the production of agency records relating to extraterrestrial visits, UFO encounters, Area 51, the Roswell incident and extraterrestrial life information regarding the United Nations, Great Britain and the United States.

6. Defendant DoD was required to determine whether to comply with Plaintiff's FOIA request within twenty (20) days, excepting Saturdays, Sundays and legal public holidays, pursuant to 5 U.S.C. § 552(a)(6)(A). Pursuant to this same provision, Defendant DoD also was required to notify Plaintiff immediately of this determination, the reasons therefore, and the right to appeal any adverse determination to the head of the agency. Plaintiff finally received Defendant DoD's response on March 26, 2019, *almost eight (8) years* after Plaintiff's original FOIA request, *See Exhibit 1*, with a so-called production of documents of about three (3) inches. The great majority of the *de minimus* production of records was in Russian and was not responsive to the original request, filed about 8 years earlier.

7. On May 29, 2019, Plaintiff timely appealed Defendant DoD's March 26, 2019 decision.

8. On June 27, 2019, Defendant DoD responded, claiming that its “workload is in excess of 1,600 requests.” *See* Exhibit 2. This is tantamount to a denial and complete bad faith obstruction of justice, as it is clear that Defendant DoD is suppressing and illegally withholding relevant records as part of a cover-up.

9. As of the date of this Complaint, Defendant DoD has failed to make a bona fide, good faith determination about whether they will fully comply, or for that matter comply at all, with Plaintiff’s FOIA request. Defendant DoD dishonestly produced non-responsive documents conveniently and overwhelmingly in Russian and failed to indicate when any responsive records will be produced, or demonstrated that specific responsive records are exempt from production. Defendant DoD is stonewalling Plaintiff’s FOIA request, particularly given the media coverage of these issues. In fact, just a few weeks ago, U.S. Senators received a classified briefing on confirmed sightings UFOs by our military pilots and others, and it is now widely accepted that the U.S. government possesses voluminous records and information about the existence of UFO’s and related matters as set forth in Plaintiff’s FOIA request. <https://www.cnn.com/2019/06/20/politics/ufo-sightings-navy-briefs-us-senators/index.html>. *See* Exhibit 3. A total cover-up has been and continues to be underway.

CAUSE OF ACTION
COUNT 1
(Violation of FOIA, 5 U.S.C. § 552)

10. Plaintiff realleges paragraphs 1 through 9 as if fully stated herein.

11. Defendant DoD is unlawfully withholding records requested by Plaintiff’s FOIA request pursuant to 5 U.S.C. § 552 as set forth herein.

12. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of the requested records and Plaintiff will continue to be irreparably harmed unless Defendants are compelled to conform to its conduct to the requirements of the law.

13. Plaintiff respectfully requested and requests a FOIA fee waiver pursuant to 5 U.S.C. § 552, as Plaintiff is a non-profit, public interest organization that seeks to promote openness within the federal government and their actions. Plaintiff regularly requests records under FOIA to shed light on the operations of the federal government and to educate the public about these operations. Plaintiff then analyzes the agency records and disseminates the results of its analysis to the public at large. This is a matter of extreme public importance and interest.

WHEREFORE, Plaintiff respectfully request that the Court: (1) order Defendant DoD to expeditiously conduct a search for any and all responsive records to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant DoD to produce, by a certain date, any and all non-exempt records responsive to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exception; (3) enjoin Defendant DoD from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff a fee waiver for produced records and an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper, including attorneys fees and costs for this enforcement action resulting from Defendant DoD's continuing cover-up in bad faith.

Dated: July 18, 2019

Respectfully Submitted,

/s/ Larry Klayman
Larry Klayman, Esq.
Freedom Watch, Inc.
D.C. Bar No. 334581
2020 Pennsylvania Ave. NW, Suite 345
Washington, DC 20006
Tel: (561) 558-5336
Email: leklayman@gmail.com

Attorney for Plaintiff

EXHIBIT 1



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100



MAR 26 2019

U-19-6004/FAC-2A1 (FOIA)

Mr. Larry Klayman
Freedom Watch
2020 Pennsylvania Ave, NW #345
Washington, D.C. 20006

Dear Mr. Klayman:

This responds to your Freedom of Information Act (FOIA) request, dated December 22, 2011, that you submitted to the Defense Intelligence Agency (DIA) for information concerning **Extraterrestrial Visits, UFO Encounters, Area 51, Roswell Incident, Extraterrestrial Life Info regarding United Nation's, Great Britain, and US**. I apologize for the delay in responding to your request. DIA continues its efforts to eliminate the large backlog of pending FOIA requests.

A search of DIA's systems of records located 16 documents (385 pages) responsive to your request. Of these responsive records, twelve documents (48 pages) were referred to other government agencies for their review and direct response to you. This referral was necessary because the documents did not originate with DIA.

Upon review, I have determined that some portions of 4 documents (337 pages) must be withheld in part from disclosure pursuant to the FOIA. The withheld portions are exempt from release pursuant to Exemptions 1, 3, and 6 of the FOIA, 5 U.S.C. § 552 (b)(1), (b)(3), and (b)(6). Exemption 1 applies to information properly classified under the criteria of Executive Order 13526. Exemption 3 applies to information specifically exempted by a statute establishing particular criteria for withholding. The applicable statutes are 10 U.S.C. § 424 and 50 U.S.C. § 3024(i). Statute 10 U.S.C. § 424 protects the identity of DIA employees, the organizational structure of the agency, and any function of DIA. Statute 50 U.S.C. § 3024(i) protects intelligence sources and methods. Exemption 6 applies to information which if released would constitute an unwarranted invasion of the personal privacy of other individuals.

If you are not satisfied with my response to your request, you may contact the DIA FOIA Requester Service Center, as well as our FOIA Public Liaison at 301-394-5587.

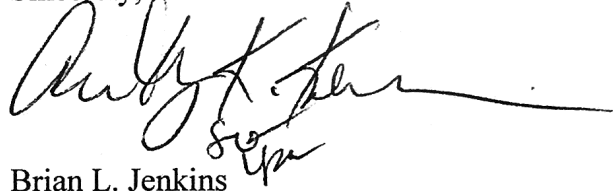
Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. You may contact OGIS by email at ogis@nara.gov; telephone at 202-741-5770, toll free at 1-877-684-6448 or facsimile at 202-741-5769; or you may mail them at the following address:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001

You may also exercise your right to file an administrative appeal by writing to the address below and referring to case number 0099-2012. Your appeal must be postmarked no later than 90 days after the date of this letter.

Defense Intelligence Agency
7400 Pentagon
ATTN: FAC-2A1 (FOIA)
Washington, D.C. 20301-7400

Sincerely,

A handwritten signature in black ink, appearing to read "Brian L. Jenkins", with a long horizontal flourish extending to the right.

Brian L. Jenkins
Chief, Records Management and Information
Services

4 Enclosures

EXHIBIT 2



**DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20340-5100**

JUN 27 2019

U-19-4500/FAC-2A1 (FOIA)

Mr. Larry Klayman
Freedom Watch
2020 Pennsylvania Ave, NW #345
Washington, DC 20006

Dear Mr. Klayman:

This is an interim response to your May 29, 2019 Freedom of Information Act (FOIA) appealing the denial of information in your FOIA request, identified as case number FOIA-0099-2012. We received your Appeal request on June 27, 2019 and assigned it case number APP-0013-2019. Please use this number in all future correspondence with us about this matter.

We will be unable to respond to your request within the FOIA's 20 day statutory time period due to unusual circumstances. These unusual circumstances could be: (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies which have substantial interest in either the determination or the subject matter of the records. For these reasons, your request has been placed in our queue and will be worked in the order the request was received. Our current administrative workload is in excess of 1,600 requests.

We regret that there is currently a substantial delay in processing requests and solicit your patience and understanding. We assure you that we will process your request as soon as possible. If you have any questions, you may contact the DIA FOIA Requester Service Center, as well as our FOIA Public Liaison at 301-394-5587.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer.

You may contact OGIS by email at ogis@nara.gov; telephone at 202-741-5770, toll free at 1-877-684-6448 or facsimile at 202-741-5769; or you may mail them at the following address:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001

Sincerely,

Watkins Nina
L d223361

Digitally signed by Watkins Nina
L d223361
DN: c=US, o=U.S. Government,
ou=DoD, ou=DoD/IS, ou=People,
cn=Watkins Nina L d223361
Date: 2019.06.27 09:09:06 -04'00'

Brian L. Jenkins
Chief, Records Management and Information
Services

EXHIBIT 3

Senators receive classified briefing on UFO sightings

By Veronica Stracqualursi and Zachary Cohen, CNN

Updated 4:14 PM ET, Thu June 20, 2019

Washington (CNN) — A group of US senators, including the vice chair of the Senate Intelligence committee, received a classified briefing Wednesday about a series of reported encounters by the US Navy with unidentified aircraft, according to a congressional aide.

"If pilots at Oceana or elsewhere are reporting flight hazards that interfere with training or put them at risk, then Senator Warner wants answers. It doesn't matter if it's weather balloons, little green men, or something else



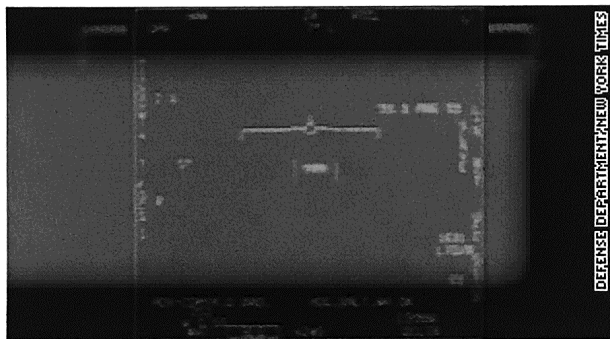
• LIVE TV 

Joseph Gradisher, spokesman for the Deputy Chief of Naval Operations for Information Warfare, also confirmed the briefing took place in a statement to CNN on Thursday.

"Navy officials did indeed meet with interested congressional members and staffers on Wednesday to provide a classified brief on efforts to understand and identify these threats to the safety and security of our aviators," he said.

"Follow-up discussions with other interested staffers are scheduled for later today (Thursday, 20 June). Navy officials will continue to keep interested congressional members and staff informed. Given the classified nature of these discussions, we will not comment on the specific information provided in these Hill briefings," Gradisher added.

The briefing was first reported by Politico.



Related Article: US Navy introducing guidelines for pilots to report UFO sightings

President Donald Trump recently confirmed that he was also briefed on reports of Navy pilots spotting unidentified flying objects.

"I did have one very brief meeting on it," Trump told ABC News in an interview that aired Sunday. "But people are saying they're seeing UFO's, do I believe it? Not particularly."

Several pilots told the New York Times in an article published in May about multiple encounters with UFOs with no visible engine or infrared exhaust plumes.

In April, the Navy introduced guidelines for its pilots to report unexplainable events so the military can keep track of what may, or may not, be happening. Politico first reported on this matter.

A Navy official told CNN at the time that the Navy does not believe aliens have been flying around US airspace.

But there have been "a number of reports of unauthorized and/or unidentified aircraft entering various military-

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"For safety and security concerns, the Navy and the USAF takes these reports very seriously and investigates each and every report," the statement said.



CNN's Barbara Starr, Ryan Browne and Brian Todd contributed to this report.



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